

ENTERED

June 03, 2022

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION****UNITED STATES OF AMERICA****v.****JOSEPH COHEN,
Defendant.**§
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§**CRIMINAL NO: 4:19-CR-719-S2-12****PRELIMINARY ORDER OF FORFEITURE**

On June 2, 2022, Defendant Joseph Cohen pleaded guilty to Counts One and Two of the Second Superseding Indictment. Count One charges Defendant with **Conspiracy to Receive and Distribute Child Pornography**, in violation of Title 18, United States Code, Sections 2252A(a)(2) and 2252A(b)(1). Count Two charges Defendant with **Conspiracy to Advertise Child Pornography**, in violation of Title 18, United States Code, Sections 2251(d) and (e).

The United States provided notice to the Defendant in the Second Superseding Indictment that, in the event of conviction, the United States would seek to forfeit, pursuant to 18 U.S.C. § 2253(a), all property real and personal, used or intended to be used to commit or to promote the commission of the offense charged, or any property traceable to such property. Pursuant to Fed. R. Crim. P 32.2(b)(1)(A), the Court finds that based on the record, the United States has established the requisite nexus between the property listed below and the offenses of conviction. Specifically, Defendant used the Samsung SM-G875 Galaxy S10 Plus cell phone, the Maxtor IDE hard drive (S/N: Y41KZ8NE), and a Hitachi IDE hard drive (S/N: C4G7RB7K) to receive and possess images and videos depicting child pornography as defined under federal law (18 U.S.C. 2256(2)(A)). On Defendant's Aero 17 laptop (S/N: 20110J000184) (Li002), law enforcement found numerous references to IRC client applications and search terms of interest such as "baby," "incest" and "mother_and_son".

Accordingly, the Court ORDERS that:

(1) The following property is forfeited to the United States of America:

- a) a Samsung SM-G875 Galaxy S10 Plus cell phone;
- b) an Aero 17 laptop (S/N: 20110J000184) (Li002);
- c) a Maxtor IDE hard drive (S/N: Y41KZ8NE); and
- d) a Hitachi IDE hard drive (S/N: C4G7RB7K),

(the “electronic devices”).

(2) The United States of America shall publish notice of this forfeiture order and shall send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

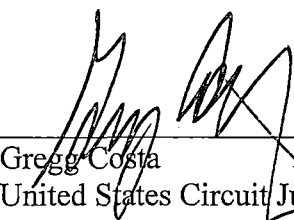
(3) Any person, other than the Defendant, asserting a legal interest in the electronic devices may, within thirty (30) days of the final publication of notice or receipt of notice, whichever is earlier, petition the Court for a hearing to adjudicate the validity of their alleged interest in the property. The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner’s right, title, or interest in that property, the time and circumstances of the petitioner’s acquisition of the right, title, or interest in that property, and any other facts which support the petitioner’s claim and the relief sought. The petition shall be filed with the United States District Clerk, Southern District of Texas, Houston Division, United States Courthouse, 515 Rusk Avenue, Houston, Texas 77002. A copy of the petition shall be sent to Stephanie Bauman, Assistant United States Attorney, 1000 Louisiana, Suite 2300, Houston, Texas 77002.

(4) If no one has filed a petition asserting an interest in the electronic devices, in accordance with 21 U.S.C. § 853(n) before the expiration of the period provided, any and all potential

third-party petitioners will be held in default and this order will be final as to any and all third-party petitioners. See 21 U.S.C. § 853(n)(7).

(5) Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and Defendant's Plea Agreement, this order is final as to the Defendant, and shall be made part of the sentence and included in the judgment.

Signed at Houston, Texas, on June 2nd, 2022.



Gregg Costa
United States Circuit Judge